

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIZABETH A. SULLIVAN, CAROL M. DUBOIS
and JILL M. CASSAS,

Plaintiffs,

-against-

TOWN OF DEERPARK, MARK A. HOUSE, Town
Supervisor, sued in his individual capacity, and
WILLIAM R. WERNER, Police Chief, sued in his
individual capacity,

Defendants.
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**ANSWER TO AMENDED
COMPLAINT**

Docket No.
07 Civ. 11416 (SCR)

Defendant WILLIAM R. WERNER, by his attorneys, MIRANDA SOKOLOFF
SAMBURSKY SLONE VERVENIOTIS, LLP as and for his answer to the amended
complaint in the above-referenced action, sets forth as follows:

1. Denies the allegations contained in ¶ “1” of the complaint, and refers all
questions of law to the Court for adjudication.

2. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in ¶ “2” of the complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in ¶ “3” of the complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in ¶ “4” of the complaint.

5. Admits the allegations contained in ¶ “5” of the complaint.

6. Denies the allegations contained in ¶ “6” of the complaint, and refers all
questions of law to the Court for adjudication.

7. Admits the allegations contained in ¶ “7” of the complaint.
8. Denies the allegations contained in ¶ “8” of the complaint, and refers all questions of law to the Court for adjudication.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “9” of the complaint.
10. Denies the allegations contained in ¶ “10” of the complaint, and refers all questions of law to the Court for adjudication.
11. Admits the allegations contained in ¶ “11” of the complaint.
12. Denies the allegations contained in ¶ “12” of the complaint.
13. Denies the allegations contained in ¶ “13” of the complaint.
14. Denies the allegations contained in ¶ “14” of the complaint.
15. Denies the allegations contained in ¶ “15” of the complaint.
16. Denies the allegations contained in ¶ “16” of the complaint.
17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “17” of the complaint.
18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “18” of the complaint.
19. Denies the allegations contained in ¶ “19” of the complaint.
20. Denies the allegations contained in ¶ “20” of the complaint.
21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “21” of the complaint.
22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “22” of the complaint.

23. Denies the allegations contained in ¶ “23” of the complaint.

24. Denies the allegations contained in ¶ “24” of the complaint.

25. Denies the allegations contained in ¶ “25” of the complaint.

26. Denies the allegations contained in ¶ “26” of the complaint.

27. Denies the allegations contained in ¶ “27” of the complaint, and refers all questions of law to the Court for adjudication.

28. Denies the allegations contained in ¶ “28” of the complaint.

29. Admits the allegations contained in ¶ “29” of the complaint.

30. Denies the allegations contained in ¶ “30” of the complaint.

31. Denies the allegations contained in ¶ “31” of the complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “32” of the complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “33” of the complaint.

34. Denies the allegations contained in ¶ “34” of the complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “35” of the complaint.

36. Denies the allegations contained in ¶ “36” of the complaint.

37. Denies the allegations contained in ¶ “37” of the complaint.

38. Admits the allegations contained in ¶ “38” of the complaint.

39. Denies the allegations contained in ¶ “39” of the complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “40” of the complaint.

- 41. Denies the allegations contained in ¶ “41” of the complaint.
- 42. Denies the allegations contained in ¶ “42” of the complaint.
- 43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “43” of the complaint.
- 44. Denies the allegations contained in ¶ “44” of the complaint.
- 45. Denies the allegations contained in ¶ “45” of the complaint.
- 46. Denies the allegations contained in ¶ “46” of the complaint.
- 47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “47” of the complaint.
- 48. Denies the allegations contained in ¶ “48” of the complaint.
- 49. Denies the allegations contained in ¶ “49” of the complaint.

CAUSES OF ACTION

- 50. As and for a response to ¶ “50”, defendant repeats and realleges the responses to the allegations contained in ¶¶ “1” through “49” as if more fully set forth herein.
- 51. Denies the allegations contained in ¶ “51” of the complaint.
- 52. Denies the allegations contained in ¶ “52” of the complaint.
- 53. Denies the allegations contained in ¶ “53” of the complaint.

FIRST AFFIRMATIVE DEFENSE

- 54. Plaintiffs’ complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

- 55. Defendant is entitled to qualified immunity.

THIRD AFFIRMATIVE DEFENSE

56. Plaintiffs' claims lack subject matter jurisdiction.

FOURTH AFFIRMATIVE DEFENSE

57. Plaintiffs' claims are barred, in whole or in part, by the statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

58. Plaintiffs have unclean hands.

SIXTH AFFIRMATIVE DEFENSE

59. Plaintiffs are guilty of laches.

SEVENTH AFFIRMATIVE DEFENSE

60. Plaintiffs have failed to mitigate their damages.

EIGHTH AFFIRMATIVE DEFENSE

61. Plaintiffs have failed to file a notice of claim.

NINTH AFFIRMATIVE DEFENSE

62. Plaintiffs did not suffer an adverse employment action.

TENTH AFFIRMATIVE DEFENSE

63. Plaintiffs' damages, if any, were caused and/or contributed to by reason of the culpable conduct of plaintiffs or third parties.

ELEVENTH AFFIRMATIVE DEFENSE

64. Plaintiffs did not engage in the predicate conduct necessary to give rise to a retaliation claim.

TWELFTH AFFIRMATIVE DEFENSE

65. Plaintiffs have failed to avail themselves of the Town's sexual harassment policy.

THIRTEENTH AFFIRMATIVE DEFENSE

66. Defendant Werner, an individual, may not be sued under Title VII of the Civil Rights Act of 1964.

WHEREFORE, defendant requests judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: Mineola, New York
July 2, 2008

MIRANDA SOKOLOFF SAMBURSKY
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Counsel for Defendant WILLIAM R.
WERNER

By: 

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